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Paper No. 9

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53 State Street  
Boston, MA 02109

In re Application of  
Barry S. Fogel  
Application No. 09/893,244  
Filed: June 27, 2001  
Attorney Docket No. 0264724-0031

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AUG 19 2003

**OFFICE OF PETITIONS**

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 5, 2003, to revive the above-identified application.

The petition is GRANTED.

The above-identified application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed October 1, 2002, which set a shortened statutory period for reply of one(1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 2, 2002.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (703)308-5111, or in her absence, Frances Hicks at (703)305-8680.

The application file is being forwarded to Technology Center 1600, Art Unit 1617.

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